IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE, 2007 / 28TH JYAISHTA, 1929

WP(C).No. 10839 of 2007(M)

PETITIONER:

K.M.HABEEB, PARTNER,
BHARATH ENGINEERING WORKS, MARINE ENGINEERING CONTRACTORS, EDAPARAMBIL, ARUKUTTY 688 534.

BY ADV. SRI.N.NAGARESH
SRI.BINU PAUL

RESPONDENTS:
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1. UNION TERRITORY OF LAKSHADWEEP,
REPRESENTED BY ITS ADMINISTRATOR,
KAVARATTI, LAKSHADWEEP.

2. SECRETARY TO THE ADMINISTRATOR,
UNION TERRITORY OF LAKSHADWEEP, KAVARATTI,
LAKSHADWEEP.

3. DEPUTY CHIEF ENGINEEER,
LAKSHADWEEP HARBOUR WORKS, KAVARATTI,
LAKSHADWEEP.

4. EXECUTIVE OFFICER,
VILLAGE (DWEEP), PANCHAYAT,
KAVARATTI, LAKSHADWEEP.

5. K.R.JAYESH,
KUNNUMMEL HOUSE, EZHUPUNNA SOUTH P.O.,
CHERTHALA P.O.

6. P.V.ABDUL AZEEZ,
PUTHIZHAVEEDU HOUSE,
KAVARATTI, LAKSHADWEEP.

BY ADV. SRI.SHAFIK M.ABDULKHADIR,SC FOR LAKSHADWEEP
SRI.S.NIRMAL KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.10839 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the format of the application form along with a form of declaration submitted by the petitioner dtd.nil.

Ext.P2: Copy of the permit dtd.28.1.2007 in respect of R5.

Ext.P3: Copy of the objection letter dtd.23.3.2007 submitted by the petitioner.

Ext.P4: Copy of the letter dtd.23.3.2007 issued by R1.

Ext.P5: Copy of the letter dtd.26.3.2007 of R3.

Ext.P6: Copy of the Laccadive, Minicoy & Amindivi Islands (Restriction of Entry and Residence) Rules, 1967.

Ext.P7: Copy of the Circular dtd.15.7.91 of the District Magistrate.

EXT.P8: Copy of the OM dtd.18.8.1991 of the District Magistrate, Kavaratti.

RESPONDENTS' EXHIBITS:

Ext.R5(a): Copy of the statement dtd.24.3.2007 submitted by R5 before R2.

Ext.R5(b): Copy of the permit issued to R5 on 26.3.2007.

Ext.R6(a): Copy of the work order dtd.17.3.2007 issued to R6.

Ext.R2(a): Copy of the Circular dtd.30.12.99 issued by the ADM, UT of Lakshadweep.

Ext.R2(b): Copy of the order dtd.27.3.2000 issued by the District Magistrate, U.T.of Lakshadweep.

Ext.R2(c): Copy of the application dtd.21.3.2007 submitted by R5 for permit before R2.

Ext.R2(d): Copy of the Declaration Form submitted for R5.

Ext.R2(e): Copy of the NOC dtd.22.3.2007 issued by R4.

Ext.R2(f): Copy of the letter dtd.24.3.2007 submitted by R5.

Ext.R2(g): Copy of the message dtd.24.3.2007 issued by R4.

Ext.R2(h): Copy of the entry permit issued to R5 by R2.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO.10839 OF 2007 - M

Dated this the 18th day of June, 2007

J U D G M E N T

The petitioner is a contractor who has undertaken contract works in the Union Territory of Lakshadweep. The law relating to the island is that no outsiders are permitted to enter the island for work except in terms of a permit issued for the purpose. Originally, a permit was issued to the fifth respondent by the second respondent as a worker of the petitioner. Subsequently, it appears that that the fifth respondent sought for a permit through the sixth respondent before the period of validity of the permit already issued to the fifth respondent as a worker of the petitioner was over. Considering that application, a fresh permit was issued to the fifth respondent as a worker sponsored by the sixth respondent. The validity of such permit while another permit is pending is the subject matter of this writ petition.

2. The petitioner would argue on the basis of the rules applicable that a new permit cannot be issued while another permit is in force. This is disputed by the second respondent. I am not inclined to go into the merits of the rival contentions of the parties, since admittedly the former permit issued to the fifth respondent is valid only till 27.6.2007 which is only nine days hence.

3. In the above circumstances, the writ petition is closed making it clear that the permit now issued to the fifth respondent as a worker of the sixth respondent would be valid from 28.6.2007 onwards.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007